Writ Petition no. 761 (S/S) of 2003

Smt. Vimal Negi---------- Petitioner

Versus

State of Uttarakhand and other ---------- Respondents

Hon'ble M.M. Ghildiyal J.

Heard Sri Rakesh Thapaliyal learned counsel for the petitioner and learned Standing Counsel and Sri H.M. Raturi learned counsel for respondent no. 3.

The petitioner who was working as assistant teacher in Primary School Jhandi Chaud was transferred vide order dated 30.06.2003 from Primary School Jhandi Chaud block Duggadda district Pauri Garhwal to Primary School Mehada block Duggadda district Pauri Garhwal. The petitioner has challenged the order on the ground that she is a patient of Alsar and because of this disease the petitioner foregone he promotion in the year 1995 and again. In the year 2002. The petitioner was transferred but on the representation of the petitioner the Assistant Director of Education in view of her disease stayed the operation of the transfer order. The husband of the petitioner is serving at Lucknow. Again by order dated 30.06.2003 she has been transferred from Jhadichaur to Mehada block Duggada district Pauri Garhwal. There is no illegality in the transfer order.

The learned counsel for the petitioner has submitted that the petitioner has already made a representation before the District Basic Adhikari Pauri Garhwal on 10.06.2003 prior to the passing of the impugned order stating that one Smt. Tulsi Bist who is an assistant teacher at Ghamandpur block Duggada is willing to join in Primary School Jhandi Chaud block Duggadda district Pauri Garhwal and the petitioner has no objection if she is transferred from Primary School Jhandi Chaud block Duggadda district Pauri Garhwal to Primary Shool Ghamandpur block Duggadda district Pauri Garhwal.

Smt. Tulsi Bist vide writ petition no. 730 (S/S) of 2003 has challenged her transfer from Ghandpur to Simlana and this court on 01.08.2003 in writ petition no 730(S/S) filed by Smt. Tulsi Bist directed Smt. Tulsi Bist to make a representation to the respondents who will decide the representation within

three weeks. Till the disposal of the representation of Smt. Tulsi Bist she will not be relieved from Ghamandpur. In case Smt. Tulsi Bist and Smt. Vimla Negi are ready for mutual transfer there should not be any hindrance in transferring Smt. Tulsi Bist and Smt. Vimla Negi mutually.

In view of the above I direct the District Basic Education Officer Pauri Garhwal to consider the representation of the petitioner for mutul transfer is Smt. Tulsi Bist is willing to go to Jhandachaur. The District Basic Education Officer Pauri Garhwal shall decide the representation of the petitioner within a period of two weeks from the date of receipt of representation. The petitioner is directed to make a fresh representation within 10 days. Till the disposal of the representation the petitioner shall not be relieved.

With these observation the writ petition is disposed of finally.

August 05, 2003.

(**M.M. Ghildiyal J.**)

MPS